

State Burial Preservation Board Members

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Vacant Public Representative



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Blackfeet Reservation	(406) 338-4000
Crow Reservation	(406) 638-2957
Flathead Reservation	(406) 675-4700
Fort Belknap Reservation	(406) 353-2644
Fort Peck Reservation	(406) 768-5565
N. Cheyenne Reservation	(406) 477-8249
Rocky Boy's Reservation	(406) 395-4184

This information will be made available in alternate
formats upon request by calling (406) 444-3310.



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STATE OF MONTANA

A Guide for Coroners, Local Law Enforcement, & Property Owners

WHAT TO DO WHEN HUMAN SKELETAL REMAINS OR BURIAL SITE IS FOUND ON STATE OR PRIVATE LANDS IN MONTANA

If Native or Non-Native Human Remains or Burial Site are Discovered

1. Cease all activity at the site and immediately call the County Coroner.
2. The Coroner may seize the remains if a criminal inquiry or inquest is warranted
3. If the Coroner determines a coroner's inquiry or inquest is not warranted, the Coroner shall call the State Historic Preservation Office (SHPO), Stan Wilmoth, at (406) 444-7719 within 24 hours. If the SHPO cannot be contacted, the Coroner will call the nearest member of the State Burial Preservation Board (Board) or law enforcement at the nearest Indian reservation.
4. Unless there is suspicion of a crime scene or the Board has made another finding, ***burial sites and human remains must be protected and preserved in place regardless of ethnic origin, burial context, or age of burial site.***
5. All burial sites must be avoided (not physically disturbed) as a matter of law. Montana Code Annotated, Title 46, Chapter 4 (authority of coroners) does not authorize removal of remains solely for documentation of ethnicity or age or other study. ***Removal or disturbance of human remains other than in a coroner's inquiry/ inquest should occur only after other alternatives (primarily preservation in place) have been considered by the Board.***

HUMAN SKELETAL REMAINS AND BURIAL SITE PROTECTION ACT PROCEDURES

22-3-801 through 22-3-811, MCA

STEP 1

Discovery on state or private land of human remains, burial site, or burial material - **DO NOT DISTURB THE SITE**, contact County Coroner, 22-3-805(1), MCA

Discovery on Federal land of human remains, burial site, or burial material -
NO STATE JURISDICTION
Call NAGPRA (202) 354-2201 or visit
<http://www.nps.gov/history/nagpra/INDEX.HTM>

STEP 2

After notification, Coroner has 2 working days to determine if crime site and whether or not Title 46, MCA, applies, 22-3-805(2), MCA

If a crime scene - Coroner may seize remains as evidence for criminal proceeding, 22-3-805(3), MCA

If more than 2 days are needed to make a determination, Coroner notifies SHPO and Board member about length of delay, 22-3-805(2), MCA

STEP 3

If not a crime scene and no forensic examination is necessary, the site is not to be disturbed and the Coroner contacts SHPO within 24 hours (406) 444-7715, 22-3-805(4), MCA

If SHPO cannot be contacted, Coroner notifies Board member or Law Enforcement agency of nearest reservation within 24 hours, 22-3-805(5), MCA

STEP 4

Upon Coroner contact, SHPO has 1 day to contact
(a) Landowner and the Board; or
(b) Landowner and the Board member representing nearest reservation, 22-3-805(4), MCA

Board or Law Enforcement agency immediately notifies landowner and Board member representing nearest reservation, 22-3-805(5), MCA

STEP 5

Board has 36 hours after notification to designate representative to conduct (by landowner permission) an initial field review, 22-3-805(6), MCA

If no resolution is achieved within 40 days after Board notification among Board representatives and the landowner, remains must be removed and control vested with the Board. Board gives control to descendants, tribe, or group most closely affiliated or with aboriginal or historic occupation of area, 22-3-805(7), MCA

STEP 6

Board's representative and landowner agree to disposition/resolution, 22-3-805(6), MCA